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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **STEPHANIE WILSON,**) Case No.
12)
13 Plaintiff,) **COMPLAINT FOR VIOLATION**
14) **OF FEDERAL FAIR DEBT**
15) **COLLECTION PRACTICES ACT**
16)
17 **THE CBE GROUP SW, INC.,**)
18)
19 Defendant.)
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18 **NATURE OF ACTION**

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20 1. This is an action brought under the Fair Debt Collection Practices
21 Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, and the Telephone Consumer
22 Protection Act (“TCPA”), 47 U.S.C. § 227.
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24 **JURISDICTION AND VENUE**

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26 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 47 U.S.C. §
27 227(b)(3), 28 U.S.C. § 1331, and 28 U.S.C. § 1367(a).

28 COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

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1 which the money, property, insurance, or services that are the subject of the
2 transaction were incurred primarily for personal, family, or household purposes.
3

4 10. Defendant uses instrumentalities of interstate commerce or the mails
5 in a business the principal purpose of which is the collection of any debts, and/or
6 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
7 or asserted to be owed or due another.
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9 11. Within one (1) year preceding the date of this Complaint, Defendant
10 made and/or placed a telephone call to Plaintiff's cellular telephone number, in
11 effort to collect from Plaintiff an obligation, or alleged obligation, owed or due,
12 or asserted to be owed or due a creditor other than Defendant.
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15 12. Within one (1) year preceding the date of this Complaint, Defendant
16 willfully and knowingly utilized an automatic telephone dialing system to make
17 and/or place a telephone call to Plaintiff's cellular telephone number, in effort to
18 collect from Plaintiff an obligation, or alleged obligation, owed or due, or asserted
19 to be owed or due a creditor other than Defendant.
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22 13. Defendant contacted Plaintiff's neighbor via telephone, and left a
23 voicemail message on the neighbor's home answering machine in which
24 Defendant disclosed its identity as The CBE Group without first being requested
25 to do so by the third party.
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1 14. Upon being asked why her neighbor was called, Defendant, via its
2 agent and/or employee (whom Plaintiff believes is named “Mary”) told Plaintiff
3 that since Plaintiff was not answering Plaintiff’s telephone, Defendant could “call
4 anyone [they] wanted” and that Defendant would do “anything in [their] means”
5 to collect the debt, actions prohibited by the FDCPA and evidencing Defendant’s
6 intent to violate the FDCPA. (15 U.S.C. §§ 1692b(1), 1692c(b), 1692e(5)).
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8
9 15. Defendant placed repeated and continuous telephone calls to
10 Plaintiff’s 13 year-old daughter’s cellular phone (owned by Plaintiff and on
11 Plaintiff’s account) with prior knowledge that the number was used exclusively
12 by a minor and not by Plaintiff. (15 U.S.C. §§ 1692b(3), 1692c(b), 1692d(5)).
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14
15 16. Defendant, via its agent and/or employee (Plaintiff believes the name
16 is “Mary”), represented to Plaintiff that it was “illegal” for Plaintiff to not pay her
17 bills, with the intent of disgracing Plaintiff. (15 U.S.C. §§ 1692e(7), 1692e(10)).
18

19 17. Defendant, within the initial thirty (30) day dispute period,
20 threatened Plaintiff, with litigation, garnishment and the placement of a lien
21 against Plaintiff’s vehicle, actions Defendant did not intend to take, and was not
22 legally able to take. (15 U.S.C. §§ 1692e(5), 1692g(b)).
23

24
25 18. Defendant after having received written notice from Plaintiff dated
26 February 22, 2010 in which Plaintiff revoked any express permission to contact
27

1 her on her cellular phone, placed numerous non-emergency calls to Plaintiff's
2 cellular telephone, without the prior express consent of Plaintiff, using an
3 automatic telephone dialing system. (47 U.S.C. 227(b)(1)(A)(iii)).
4

5 19. Defendant's actions constitute conduct highly offensive to a
6 reasonable person, and as a result of Defendant's behavior Plaintiff suffered and
7 continues to suffer injury to Plaintiff's feelings, personal humiliation,
8 embarrassment, mental anguish and/or emotional distress.
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11 **COUNT I**

12 20. Plaintiff repeats and re-alleges each and every allegation contained
13 above.
14

15 21. Defendant violated the FDCPA as detailed above.
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17 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 18 a) Adjudging that Defendant violated the FDCPA;
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20 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,
21 in the amount of \$1,000.00;
22
23 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
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25 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
26 this action;
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e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;

f) Awarding such other and further relief as the Court may deem just and proper.

COUNT II

22. Plaintiff repeats and re-alleges each and every allegation contained above.

23. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly utilizing an automatic telephone dialing system to make and/or place a telephone call to Plaintiff's cellular telephone number.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);

b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. § 227(b)(3)(B), in the amount of \$500.00 per violation;

c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. § 227(b)(3)(C), in the amount of \$1,500.00 per violation;

d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. § 227(b)(3)(B);

1 e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
2 this action;

3
4 f) Awarding Plaintiff any pre-judgment and post-judgment interest as
5 may be allowed under the law.
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7 **TRIAL BY JURY**

8 Plaintiff is entitled to and hereby demands a trial by jury.
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11 Respectfully submitted this 8th day of September, 2010.
12

13 s/Jon N. Robbins
14 Jon N. Robbins
15 WEISBERG & MEYERS, LLC
16 Attorney for Plaintiff
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